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E-File: September 29, 2009

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Attorneys for Debtors and
Debtors in Possession

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEVADA

In re:

THE RHODES COMPANIES, LLC, aka
"Rhodes Homes, et al.,¹
Debtors.

Case No.: BK-S-09-14814-LBR
(Jointly Administered)

Chapter 11

Affects:

- ☐ All Debtors
☒ Affects the following Debtor(s):

Rhodes Design and Development
Corporation 09-14846 LBR; Rhodes
Homes Arizona, LLC 09-14882 LBR

Hearing Date: October 30 2009
Hearing Time: 1:30 p.m.
Courtroom 1

¹ The Debtors in these cases, along with the last four digits of each Debtor's federal tax identification number, if applicable, are: Heritage Land Company, LLC (2918); The Rhodes Companies, LLC (3060); Rhodes Ranch General Partnership (1760); Tick, LP (0707); Glynda, LP (5569); Chalkline, LP (0281); Batcave, LP (6837); Jackknife, LP (6189); Wallboard, LP (1467); Overflow, LP (9349); Rhodes Ranch Golf and Country Club (9730); Tuscany Acquisitions, LLC (0206); Tuscany Acquisitions II, LLC (8693); Tuscany Acquisitions III, LLC (9777); Tuscany Acquisitions IV, LLC (0509); Parcel 20 LLC (5534); Rhodes Design and Development Corp. (1963);

DEBTORS' SECOND OMNIBUS OBJECTION TO CLAIMS PURSUANT TO SECTION
502(b) OF THE BANKRUPTCY CODE AND BANKRUPTCY RULES 3003 AND 3007
[INSUFFICIENT DOCUMENTATION CLAIMS]; DECLARATION OF PAUL D.
HUYGENS IN SUPPORT THEREOF

The above-captioned debtors and debtors in possession (collectively, the “Debtors”) hereby object (the “Second Omnibus Objection”) to each of the claims (the “Insufficient Documentation Claims”) attached hereto as **Exhibit A**, pursuant to section 502(b) of title 11 of the United States Code (the “Bankruptcy Code”) and Rules 3003 and 3007 of the Federal Rules of Bankruptcy Procedure (the “Bankruptcy Rules”), and request the entry of an order (the “Order”) disallowing and expunging in full each of the Insufficient Documentation Claims as indicated in further detail below.² In support of this Second Omnibus Objection, the Debtors rely on the *Declaration of Paul D. Huygens in Support of Debtors' Second Omnibus Objection to Claims Pursuant to Section 502(b) of the Bankruptcy Code and Bankruptcy Rules 3003 and 3007 [Insufficient Documentation Claims]*, attached hereto. In further support of this Second Omnibus Objection, the Debtors respectfully represent as follows:

BACKGROUND

1. On March 31, 2009, the above-captioned Debtors (the “Primary Filers”) except Tuscany Golf Country Club, LLC, Pinnacle Grading, LLC, and Rhodes Homes Arizona, LLC (the “Secondary Filers”) filed voluntary petitions for relief under chapter 11 of title 11 of the Bankruptcy Code. On April 1, 2009, the Secondary Filers filed voluntary petitions for relief under chapter 11 of the Bankruptcy Code. All references to Petition Date herein shall mean March 31, 2009 for the Primary Filers or April 1, 2009 for the Secondary Filers, as applicable. The Debtors are continuing in possession of their property and are operating and managing their

C&J Holdings, Inc. (1315); Rhodes Realty, Inc. (0716); Jarupa LLC (4090); Elkhorn Investments, Inc. (6673); Rhodes Homes Arizona, LLC (7248); Rhodes Arizona Properties, LLC (8738); Tribes Holdings LLC (4347); Six Feathers Holdings, LLC (8451); Elkhorn Partners, A Nevada Limited Partnership (9654); Bravo Inc. (2642); Gung-Ho Concrete, LLC (6966); Geronimo Plumbing, LLC (6897); Apache Framing, LLC (6352); Tuscany Golf Country Club, LLC (7132); Pinnacle Grading, LLC (4838).

² The Debtors reserve the right to file additional omnibus objections, whether on substantive or non-substantive grounds, to any and all other claims filed against their estates.

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1 businesses, as debtors in possession, pursuant to sections 1107 and 1108 of the Bankruptcy
2 Code.

3 2. The Debtors object to each of the following Insufficient Documentation Claims,
4 true and correct copies of which are attached hereto as **Exhibit A**:

- 5 • Claim No. 7, filed by Charles Damus & Associates (the "Charles Damus Claim")
6 in Case No. 09-14846 against Rhodes Design and Development Corporation in
7 the amount of \$12,000.00; and
- 8 • Claim No. 14, filed by Citibank South Dakota, N.A. (the "Citibank Claim") in
9 Case No. 09-14882 against Rhodes Homes Arizona, LLC in the amount of
10 \$4,738.45.

11 3. With respect to the Charles Damus Claim, the supporting documentation attached
12 to the claim is insufficient for the Debtors to determine the validity of the claim. On July 17,
13 2009, the Debtors requested by fax that claimant provide additional information to support its
14 claim, a true and correct copy of which is attached hereto as **Exhibit B**. On July 29, 2009, the
15 Debtors again contacted claimant, this time by telephone, to once again request additional
16 supporting documentation. As of this date, the Debtors have not received any response or
17 documentation supporting the Damus Claim.

18 4. With respect to the Citibank Claim, claimant failed to attach any documentation
19 supporting its claim. The Debtors are unable to locate any records pertaining to the claim based
20 on the information provided on the claim, and therefore are unable to determine the validity of
21 the Citibank Claim. On or about July 27, 2009, the Debtors attempted to contact Citibank to
22 request additional documentation supporting its claim. The telephone number provided by the
23 claimant is an automated system, and without a complete account number, the Debtors were
24 unable to access the system or speak to a live representative.

25 5. On August 17, 2009, the Debtors sent claimant a letter requesting additional
26 documentation supporting their claim, a true and correct copy of which is attached hereto as
27 **Exhibit C**. As of this date, the Debtors have not received any response or documentation
28 supporting the Citibank Claim.

RELIEF REQUESTED

6. By this Second Omnibus Objection, the Debtors seek entry of an order, pursuant to section 502(b) of the Bankruptcy Code and Bankruptcy Rules 3003 and 3007, disallowing and expunging in full each of the disputed claims as indicated in further detail below.

OBJECTION

7. Bankruptcy Rule 3007(d) provides that the Debtors may submit objections to more than one claim in an “omnibus” format if the claims were presented in a form that does not comply with applicable rules, and that the objector is unable to determine the validity of the claim because of the noncompliance. The disputed claims do not provide sufficient documentation for the Debtors to determine the validity of the claims. For the reasons set forth herein, the Insufficient Documentation Claims are not valid claims against the Debtors.

8. Bankruptcy Code section 502 authorizes a party in interest to object to claims. *See* 11 U.S.C. §502(a). Although a proper proof of claim is presumed valid under Bankruptcy Rule 3001(f), once an objection controverts the presumption, the creditor has the ultimate burden of persuasion as to the validity and amount of the claim. *Ashford v. Consolidated Pioneer Mortg. (In re Consolidated Pioneer Mortg.)*, 178 B.R. 222, 226 (B.A.P. 9th Cir. 1995), *aff’d*, 91 F.3d 151 (9th Cir. 1996) (quoting *In re Allegheny International, Inc.*, 954 F.2d 167, 173-74 (3d Cir. 1992)). The Bankruptcy Appellate Panel for the Ninth Circuit explained the shifting burdens of proof with respect to objection to proofs of claim as follows:

The burden of proof for claims brought in the bankruptcy court under 11 U.S.C.A. § 502(a) rests on different parties at different times. Initially, the claimant must allege facts sufficient to support the claim. If the averments in his filed claim meet this standard of sufficiency, it is “prima facie” valid. In other words, a claim that alleges facts sufficient to support a legal liability to the claimant satisfies the claimant’s initial obligation to go forward. . . . The burden of persuasion is always on the claimant.

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1 *Id.* (emphasis added). Following this decision, the District Court for the Northern District of
 2 California emphasized, “unless the claimant has alleged ‘facts sufficient to support a legal
 3 liability, ‘the claim is not prima facie valid.’” *In re Hongnisto*, 293 B.R. 45, 50 (N.D. Cal. 2003)
 4 (quoting *Consolidated Pioneer Mortg.*, 178 B.R. at 266) (holding that the claimant’s proof of
 5 claim failed to allege sufficient facts to support a legal liability and consequently disallowed the
 6 proof of claim); *see Consolidated Pioneer Mortg.*, 178 B.R. at 227 (holding that because the
 7 proof of claim did not allege sufficient facts to support the claim, the proof of claim was
 8 disallowed).

9 9. Based on the Debtors’ review of their books and records and the disputed claims,
 10 the claimants have no valid legal justification for asserting the filed Insufficient Documentation
 11 Claims against the given Debtor. As a result, the Debtors submit that the Insufficient
 12 Documentation Claims should be expunged by the Court.

13 CONCLUSION

14 10. The Debtors object to the allowance of the Insufficient Documentation Claims as
 15 set forth herein for the reasons stated herein, and the Debtors hereby move this Court for an
 16 Order disallowing and expunging in full each of the Insufficient Documentation Claims
 17 indentified herein.

18 NOTICE

19 11. Notice of this objection has been provided to (i) the Office of the United States
 20 Trustee, (ii) counsel to the Creditors’ Committee, (iii) each holder of an Insufficient
 21 Documentation Claim to which the Debtors are objecting in this Second Omnibus Objection in
 22 accordance with the addresses provided in the proofs of claim for such Insufficient
 23 Documentation Claims, (iv) each person or entity that has filed a notice of appearance and
 24 request for special notice, and (v) other required parties pursuant to the Court’s case management
 25 order entered in these cases. The Debtors submit that in light of the nature of the relief requested
 26 herein, no other or further notice is required.

1 12. Pursuant to Bankruptcy Rule 3007, the Debtors have provided all claimants
2 affected by the Second Omnibus Objection with at least thirty (30) days' notice of the hearing on
3 the Omnibus Objection.

4 WHEREFORE, the Debtors respectfully request that the Court enter an Order,
5 substantially in the form attached hereto as **Exhibit D**, disallowing and expunging the
6 Insufficient Documentation Claims, and granting such other and further relief as the Court deems
7 just an proper under the circumstances of these chapter 11 cases.

8
9 **DATED** this 29th day of September, 2009.

10
11 **LARSON & STEPHENS**

12 /s/ Zachariah Larson, Esq.
13 Zachariah Larson, Bar No. 7787
14 Kyle O. Stephens, Bar No. 7928
15 810 S. Casino Center Blvd., Suite 104
16 Las Vegas, NV 89101
17 702/382-1170
18 Attorneys for Debtors and Debtors in
19 Possession
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Declaration of Paul D. Huygens in Support of Objection

I, Paul D. Huygens, declare as follows:

1. I am the Senior Vice President of Special Projects of the above-captioned debtors and debtors in possession (the “Debtors”). The facts set forth in this Declaration are personally known to me and, if called as a witness, I could and would testify thereto.

2. This declaration is submitted in support of the *Debtors’ Second Omnibus Objection to Claims Pursuant to Section 502(b) of the Bankruptcy Code and Bankruptcy Rules 3003 and 3007[Insufficient Documentation Claims]* (the “Second Omnibus Objection”).

3. I am one of the persons responsible for overseeing the claims reconciliation and objection process in the Debtors’ chapter 11 cases. I have read the Debtors’ Second Omnibus Objection and am directly, or by and through my personnel or agents, familiar with the information contained therein.

4. The claims and attached information and documentation were carefully reviewed and analyzed in good faith, and the Debtors’ books and records were referenced for additional support, utilizing due diligence by appropriate personnel of the Debtors. These efforts have resulted in the identification of the disputed “Insufficient Documentation Claims”, as identified in the Second Omnibus Objection, true and correct copies of which are attached as Exhibit A to the Second Omnibus Objection. I have personally reviewed each of the Insufficient Documentation Claims.

5. To the best of my knowledge, information and belief, the claims listed in the Second Omnibus Objection, copies of which are attached hereto as **Exhibit A**, are not valid claims against the Debtors for the reasons set forth below and in the Second Omnibus Objection. As a result, I believe that these the Insufficient Documentation Claims should be disallowed and expunged by the Court.

13. With respect to the Charles Damus Claim, the supporting documentation attached to the claim is insufficient for the Debtors to determine the validity of the claim. On July 17, 2009, the Debtors requested by fax that claimant provide additional information to support its claim, a true and correct copy of which is attached as **Exhibit B**. On July 29, 2009, the Debtors

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1 again contacted claimant, this time by telephone, to again request additional supporting
 2 documentation. As of this date, the Debtors have not received any response or documentation
 3 supporting the Damus Claim.

4 14. With respect to the Citibank Claim, claimant failed to attach any documentation
 5 supporting its claim. The Debtors are unable to locate any records pertaining to the claim based
 6 on the information provided on the claim, and therefore are unable to determine the validity of
 7 the Citibank Claim. On or about July 27, 2009, the Debtors attempted to contact Citibank to
 8 request additional documentation supporting its claim. The telephone number provided by the
 9 claimant is an automated system, and without a complete account number, the Debtors were
 10 unable to access the system or speak to a live representative.

11 6. On August 17, 2009, the Debtors sent claimant a letter requesting
 12 additional documentation supporting their claim, a true and correct copy of which is attached
 13 hereto as **Exhibit C**. As of this date, the Debtors have not received any response or
 14 documentation supporting the Citibank Claim.

15 7. I believe that granting the relief requested in the Second Omnibus
 16 Objection is in the best interests of the Debtors, their estates and their creditors.

17 I declare under penalty of perjury pursuant to 28 U.S.C. § 1746 that the foregoing is true
 18 and correct to the best of my knowledge, information, and belief.

19 Executed this 29th day of September, 2009, at Las Vegas, Nevada.

20 /s/ Paul D. Huygens

21 Paul D. Huygens
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EXHIBIT A

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UNITED STATES BANKRUPTCY COURT FOR THE _____ DISTRICT OF <u>NEVADA</u>		PROOF OF CLAIM
Name of Debtor: RHODES HOMES		Case Number: 09-14882
NOTE: <i>This form should not be used to make a claim for an administrative expense arising after the commencement of the case. A request for payment of an administrative expense may be filed pursuant to 11 U.S.C. § 503.</i>		
Name of Creditor (the person or other entity to whom the debtor owes money or property): Citibank South Dakota NA		<input type="checkbox"/> Check this box to indicate that this claim amends a previously filed claim. Court Claim Number: _____ <i>(If known)</i> Filed on: _____
Name and address where notices should be sent: Citibank South Dakota NA DBA 4740 121st St Urbandale, IA 50323 Telephone number: 1-800-248-4284		
Name and address where payment should be sent (if different from above): Telephone number:		<input type="checkbox"/> Check this box if you are aware that anyone else has filed a proof of claim relating to your claim. Attach copy of statement giving particulars. <input type="checkbox"/> Check this box if you are the debtor or trustee in this case.
1. Amount of Claim as of Date Case Filed: \$ <u>4378.45</u> If all or part of your claim is secured, complete item 4 below; however, if all of your claim is unsecured, do not complete item 4. If all or part of your claim is entitled to priority, complete item 5. <input checked="" type="checkbox"/> Check this box if claim includes interest or other charges in addition to the principal amount of claim. Attach itemized statement of interest or charges.		
2. Basis for Claim: <u>Money Loaned</u> (See instruction #2 on reverse side.)		5. Amount of Claim Entitled to Priority under 11 U.S.C. §507(a). If any portion of your claim falls in one of the following categories, check the box and state the amount. Specify the priority of the claim. <input type="checkbox"/> Domestic support obligations under 11 U.S.C. §507(a)(1)(A) or (a)(1)(B). <input type="checkbox"/> Wages, salaries, or commissions (up to \$10,950*) earned within 180 days before filing of the bankruptcy petition or cessation of the debtor's business, whichever is earlier – 11 U.S.C. §507 (a)(4). <input type="checkbox"/> Contributions to an employee benefit plan – 11 U.S.C. §507 (a)(5). <input type="checkbox"/> Up to \$2,425* of deposits toward purchase, lease, or rental of property or services for personal, family, or household use – 11 U.S.C. §507 (a)(7). <input type="checkbox"/> Taxes or penalties owed to governmental units – 11 U.S.C. §507 (a)(8). <input type="checkbox"/> Other – Specify applicable paragraph of 11 U.S.C. §507 (a)(____). Amount entitled to priority: \$ _____ <i>*Amounts are subject to adjustment on 4/1/10 and every 3 years thereafter with respect to cases commenced on or after the date of adjustment.</i>
3. Last four digits of any number by which creditor identifies debtor: <u>8796</u> 3a. Debtor may have scheduled account as: _____ (See instruction #3a on reverse side.)		
4. Secured Claim (See instruction #4 on reverse side.) Check the appropriate box if your claim is secured by a lien on property or a right of setoff and provide the requested information. Nature of property or right of setoff: <input type="checkbox"/> Real Estate <input type="checkbox"/> Motor Vehicle <input type="checkbox"/> Other Describe: Value of Property: \$ _____ Annual Interest Rate _____ % Amount of arrearage and other charges as of time case filed included in secured claim, if any: \$ _____ Basis for perfection: _____ Amount of Secured Claim: \$ _____ Amount Unsecured: \$ _____		
6. Credits: The amount of all payments on this claim has been credited for the purpose of making this proof of claim. 7. Documents: Attach redacted copies of any documents that support the claim, such as promissory notes, purchase orders, invoices, itemized statements of running accounts, contracts, judgments, mortgages, and security agreements. You may also attach a summary. Attach redacted copies of documents providing evidence of perfection of a security interest. You may also attach a summary. <i>(See definition of "redacted" on reverse side.)</i> DO NOT SEND ORIGINAL DOCUMENTS. ATTACHED DOCUMENTS MAY BE DESTROYED AFTER SCANNING. If the documents are not available, please explain:		
Date: 07-15-2009	Signature: The person filing this claim must sign it. Sign and print name and title, if any, of the creditor or other person authorized to file this claim and state address and telephone number if different from the notice address above. Attach copy of power of attorney, if any. <p style="text-align: center;">/s/BEVERLY BOZUNG</p>	
		FOR COURT USE ONLY

STATEMENT

—[ENTER AMOUNT ENCLOSED]

STATEMENT SUMMARY

B 10 (Official Form 10) (12/08)

UNITED STATES BANKRUPTCY COURT District of Nevada		PROOF OF CLAIM
Name of Debtor: RHODES DESIGN AND DEVELOPMENT CORPORATION		Case Number: 09-14846
NOTE: This form should not be used to make a claim for an administrative expense arising after the commencement of the case. A request for payment of an administrative expense may be filed pursuant to 11 U.S.C. § 503.		
Name of Creditor (the person or other entity to whom the debtor owes money or property): Charles M. Damus, Esq. Professional Corporation		<input type="checkbox"/> Check this box to indicate that this claim amends a previously filed claim. Court Claim Number: _____ (If known) Filed on: _____
Name and address where notices should be sent: Charles M. Damus & Associates 624 S. Sixth Street, Las Vegas, NV 89101-6920 Telephone number: (702) 382-5034		
Name and address where payment should be sent (if different from above): Telephone number:		<input type="checkbox"/> Check this box if you are aware that anyone else has filed a proof of claim relating to your claim. Attach copy of statement giving particulars. <input type="checkbox"/> Check this box if you are the debtor or trustee in this case.
1. Amount of Claim as of Date Case Filed: \$ <u>12,000.00</u> If all or part of your claim is secured, complete item 4 below; however, if all of your claim is unsecured, do not complete item 4. If all or part of your claim is entitled to priority, complete item 5. <input type="checkbox"/> Check this box if claim includes interest or other charges in addition to the principal amount of claim. Attach itemized statement of interest or charges.		
2. Basis for Claim: <u>Discounted Legal Service</u> (See instruction #2 on reverse side.)		5. Amount of Claim Entitled to Priority under 11 U.S.C. §507(a). If any portion of your claim falls in one of the following categories, check the box and state the amount. Specify the priority of the claim. <input type="checkbox"/> Domestic support obligations under 11 U.S.C. §507(a)(1)(A) or (a)(1)(B). <input type="checkbox"/> Wages, salaries, or commissions (up to \$10,950*) earned within 180 days before filing of the bankruptcy petition or cessation of the debtor's business, whichever is earlier – 11 U.S.C. §507(a)(4). <input type="checkbox"/> Contributions to an employee benefit plan – 11 U.S.C. §507(a)(5). <input type="checkbox"/> Up to \$2,425* of deposits toward purchase, lease, or rental of property or services for personal, family, or household use – 11 U.S.C. §507(a)(7). <input type="checkbox"/> Taxes or penalties owed to governmental units – 11 U.S.C. §507(a)(8). <input type="checkbox"/> Other – Specify applicable paragraph of 11 U.S.C. §507(a)(): _____ Amount entitled to priority: \$ _____ <small>*Amounts are subject to adjustment on 4/1/10 and every 3 years thereafter with respect to cases commenced on or after the date of adjustment.</small>
3. Last four digits of any number by which creditor identifies debtor: <u>1204</u> 3a. Debtor may have scheduled account as: _____ (See instruction #3a on reverse side.)		
4. Secured Claim (See instruction #4 on reverse side.) Check the appropriate box if your claim is secured by a lien on property or a right of setoff and provide the requested information. Nature of property or right of setoff: <input type="checkbox"/> Real Estate <input type="checkbox"/> Motor Vehicle <input type="checkbox"/> Other Describe: Value of Property: \$ _____ Annual Interest Rate: % _____ Amount of arrearage and other charges as of time case filed included in secured claim, if any: \$ _____ Basis for perfection: _____ Amount of Secured Claim: \$ _____ Amount Unsecured: \$ _____		
6. Credits: The amount of all payments on this claim has been credited for the purpose of making this proof of claim.		
7. Documents: Attach redacted copies of any documents that support the claim, such as promissory notes, purchase orders, invoices, itemized statements of running accounts, contracts, judgments, mortgages, and security agreements. You may also attach a summary. Attach redacted copies of documents providing evidence of perfection of a security interest. You may also attach a summary. (See instruction 7 and definition of "redacted" on reverse side.) DO NOT SEND ORIGINAL DOCUMENTS. ATTACHED DOCUMENTS MAY BE DESTROYED AFTER SCANNING. If the documents are not available, please explain:		
Date: 04/29/2009	Signature: The person filing this claim must sign it. Sign and print name and title, if any, of the creditor or other person authorized to file this claim and state address and telephone number if different from the notice address above. Attach copy of power of attorney, if any. Charles M. Damus, President	
		FOR COURT USE ONLY

Penalty for presenting fraudulent claim: Fine of up to \$500,000 or imprisonment for up to 5 years, or both. 18 U.S.C. §§ 152 and 3571.

Charles M. Damus & Associates

624 South Sixth St.

Las Vegas NV 89101-6920

Tax ID: 88-0174047

Telephone:(702) 382-5034 Facsimile:(702) 384-9289

www.damuslaw.com

Rhodes Homes
 4730 Fort Apache Rd. Ste 300
 Las Vegas, NV 89147-7947

April 29, 2009

Attn: Leslie Walters

File No.: 1204-001

Invoice No.: 23479

Regarding: Dow vs. Rhodes, et. al.

FEES

DATE	DESCRIPTION	LAWYER
Apr-29-09	Balance forward \$29,032.15.	CMD
Apr-29-09	Account adjustment for POC per agreed discount -\$17,032.15.	CMD
	Total Fees	0.00 \$12,000.00
	<u>Total Fees & Costs</u>	<u>\$12,000.00</u>
	Previous Balance	\$0.00
	Interest accrued since last invoice.	<u>\$0.00</u>
	Balance Now Due	\$12,000.00

Services Rendered and Payments received after Apr 29/09 will be reflected on your next statement.

Creditor: (4725050) Charles M. Damus & Associates 624 S. Sixth Street Las Vegas, NV 89101- 6920	Claim No: 7 Original Filed Date: 04/30/2009 Original Entered Date: 04/30/2009	Status: Filed by: CR Entered by: GRAUBERGER, KENDRICK Modified:
Unsecured claimed: \$12000.00 Total claimed: \$12000.00		
History: <u>Details</u> <u>7-1</u> 04/30/2009 Claim #7 filed by Charles M. Damus & Associates, total amount claimed: \$12000 (GRAUBERGER, KENDRICK)		
Description: (7-1) for legal fees		
Remarks:		

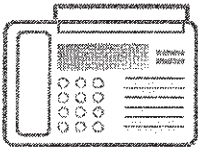
EXHIBIT B

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F A X**Rhodes Homes**

4730 Fort Apache Rd, # 300
Las Vegas, NV 89147
702-873-5338 - phone
702-873-5129 - fax



To: Charles M. Dumas
Fax number: 702-384-9289

From: Nichole Mousaw
Fax number: 702-873-5129

Date: 7/17/2009

Regarding:
Invoice #23479, File #1204-001

Phone number for follow-up:
702-873-5338, ext. 2299

Comments:

Good afternoon, Mr. Damus.

In April you filed a claim against Rhodes Homes with the bankruptcy court in the amount of \$12,000.00.

An invoice was attached to the filing, but unfortunately, not enough information was provided. Your invoice #23479 simply states a balance forward amount and a discount amount.

Please forward to me a copy of the invoice that includes the original charges with any other pertinent backup documentation.

As I am sure you can understand, we are trying to ensure that our records match the court's and proper documentation is critical.

Thank you for your timely response to this matter.

Respectfully,
Nichole Mousaw

*** TX REPORT ***

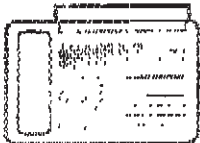
TRANSMISSION OK

TX/RX NO 4775
RECIPIENT ADDRESS 93849289
DESTINATION ID
ST. TIME 07/17 14:35
TIME USE 00'16
PAGES SENT 1
RESULT OK

F A X

Rhodes Homes

4730 Fort Apache Rd, # 300
Las Vegas, NV 89147
702-873-5338 - phone
702-873-5129 - fax



To: Charles M. Dumas
Fax number: 702-384-9289

From: Nichole Mousaw
Fax number: 702-873-5129

Date: 7/17/2009

Regarding:
Invoice #23479, File #1204-001

Phone number for follow-up:
702-873-5338, ext. 2299

Comments:

Good afternoon, Mr. Damus.

In April you filed a claim against Rhodes Homes with the bankruptcy court in the amount of \$12,000.00.

An invoice was attached to the filing, but unfortunately, not enough information was provided. Your invoice #23479 simply states a balance forward amount and a discount amount.

Please forward to me a copy of the invoice that includes the original charges with any other pertinent backup documentation.

As I am sure you can understand, we are trying to ensure that our records match the court's and proper documentation is critical.

EXHIBIT C

LARSON & STEPHENS
810 S. Casino Center Blvd., Suite 104
Las Vegas, Nevada 89101
Tel: (702) 382-1170 Fax: (702) 382-1169

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August 17, 2009

VIA U.S. FIRST CLASS MAIL

Citibank South Dakota, N.A.
Attn: Beverly Bozung
4740 121st Street
Urbandale, IA 50323

**Re: The Rhodes Companies, et al.
Chapter 11 Case No. 09-14814
(Jointly Administered)**

LAW OFFICES
LIMITED LIABILITY PARTNERSHIP

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LOS ANGELES, CA
WILMINGTON, DE
NEW YORK, NY

150 CALIFORNIA STREET
15th FLOOR
SAN FRANCISCO
CALIFORNIA 94111-4500

TELEPHONE: 415/263 7000
FACSIMILE: 415/263 7010

Dear Ms. Bozung:

This firm represents Rhodes Homes Arizona, LLC (the "Debtor") in its Chapter 11 bankruptcy filed in the United States Bankruptcy Court for the District of Nevada (Case No. 09-14882 LBR). A proof of claim was filed by you on behalf of Citibank, designated as proof of claim number 14 in the amount of \$4,378.45, referencing account number 8796, in the Debtor's bankruptcy case.

We are unable to locate any such account with Citibank based on the information provided with your proof of claim. Further, our records do not indicate that we hold any accounts with Citibank.

Therefore, we request that you provide additional information, including, but not limited to, the complete name, billing address and account number and other information that will help us identify this account. Thank you.

Very truly yours,

/s/
Patricia J. Jeffries

PJJ
Enclosure
cc: Michael A. Matteo

LOS ANGELES
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EXHIBIT D

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Attorneys for Debtors and
Debtors in Possession

UNITED STATES BANKRUPTCY COURT

DISTRICT OF NEVADA

In re:	Case No.: BK-S-09-14814-LBR (Jointly Administered)
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¹ The Debtors in these cases, along with their case numbers are: Heritage Land Company, LLC (Case No. 09-14778); The Rhodes Companies, LLC (Case No. 09-14814); Tribes Holdings, LLC (Case No. 09-14817); Apache Framing, LLC (Case No. 09-14818); Geronimo Plumbing LLC (Case No. 09-14820); Gung-Ho Concrete LLC (Case No. 09-14822); Bravo, Inc. (Case No. 09-14825); Elkhorn Partners, A Nevada Limited Partnership (Case No. 09-14828); Six Feathers Holdings, LLC (Case No. 09-14833); Elkhorn Investments, Inc. (Case No. 09-14837); Jarupa, LLC (Case No. 09-14839); Rhodes Realty, Inc. (Case No. 09-14841); C & J Holdings, Inc. (Case No. 09-14843); Rhodes Ranch General Partnership (Case No. 09-14844); Rhodes Design and Development Corporation (Case No. 09-14846); Parcel 20, LLC (Case No. 09-14848); Tuscany Acquisitions IV, LLC (Case No. 09-14849); Tuscany Acquisitions III, LLC (Case No. 09-14850); Tuscany Acquisitions II, LLC (Case No. 09-14852); Tuscany Acquisitions, LLC (Case No. 09-14853); Rhodes Ranch Golf Country Club, LLC (Case No. 09-14854); Overflow,

THE RHODES COMPANIES, LLC, aka
"Rhodes Homes," et al.,¹

Chapter 11

Debtors.

Affects:

- ☐ All Debtors
☒ Affects the following Debtor(s):

Rhodes Design and Development Corporation
09-14846 LBR; Rhodes Homes Arizona, LLC
09-14882 LBR

Hearing Date: October 30, 2009
Hearing Time: 1:30 p.m.
Courtroom 1

**ORDER SUSTAINING DEBTORS' SECOND OMNIBUS OBJECTION TO CLAIMS
PURSUANT TO SECTION 502(b) OF THE BANKRUPTCY CODE AND
BANKRUPTCY RULES 3003 AND 3007
[INSUFFICIENT DOCUMENTATION CLAIMS] [DOCKET NO.]**

Upon consideration of the *Debtors' Second Omnibus Objection to Claims Pursuant to Section 502(b) of the Bankruptcy Code and Bankruptcy Rules 3003 and 3007[Insufficient Documentation Claims]* [Docket No. ____] (the "Second Omnibus Objection"),² filed by above-captioned debtors and debtors in possession (collectively, the "Debtors"), requesting that the Court enter an order disallowing and expunging in full the Insufficient Documentation Claims; and the Court having jurisdiction to consider the Second Omnibus Objection and the relief requested therein pursuant to 28 U.S.C. §§ 157 and 1334; and the relief requested therein being a core proceeding pursuant to 28 U.S.C. § 157(b); and venue being proper before this Court pursuant to 28 U.S.C. §§ 1408 and 1409; and the Court having reviewed the Second Omnibus Objection; the Court hereby finds and determines that, pursuant to Rule 3007 of the Federal Rules of Bankruptcy Procedure, due and proper notice has been provided to the holders of the Insufficient Documentation Claims and all other parties entitled to notice; and no other or further notice is necessary; and the relief requested in the Second Omnibus Objection is in the best interests of the Debtors, their estates and creditors; and that the legal and factual bases set forth

LP (Case No. 09-14856); Wallboard, LP (Case No. 09-14858); Jackknife, LP (Case No. 09-14860); Batcave, LP (Case No. 09-14861); Chalkline, LP (Case No. 09-14862); Glynda, LP (Case No. 09-14865); Tick, LP (Case No. 09-14866); Rhodes Arizona Properties, LLC (Case No. 09-14868); Rhodes Homes Arizona, L.L.C. (Case No. 09-14882); Tuscany Golf Country Club, LLC (Case No. 09-14884); and Pinnacle Grading, LLC (Case No. 09-14887).

² Capitalized terms used but not defined herein shall have the meanings ascribed to them in the Second Omnibus Objection.

1 in the Second Omnibus Objection establishes just cause for the relief requested therein; therefore

2 IT IS HEREBY ORDERED THAT:

3 1. The Second Omnibus Objection is granted.

4 2. The following claims are disallowed in their entirety:

- 5 • Claim No. 7, filed by Charles Damus & Associates in Case No. 09-14846 against
6 Rhodes Design and Development Corporation in the amount of \$12,000.00; and
7 • Claim No. 14, filed by Citibank South Dakota, N.A. in Case No. 09-14882 against
8 Rhodes Homes Arizona, LLC in the amount of \$4,738.45.

9 3. This Court shall retain jurisdiction to hear and determine all matters arising from
10 the implementation of this Order.

11 APPROVED/DISAPPROVED:

12 DATED this 30th day of October 2009.

13 By: _____
14 UNITED STATES TRUSTEE
15 August B. Landis
16 Office of the United States Trustee
17 300 Las Vegas Blvd. S., Ste. 4300
18 Las Vegas, NV 89101

18 Submitted by:
19 DATED this 30th day of October 2009.

20 By: /s/ Zachariah Larson
21 LARSON & STEPHENS
22 Zachariah Larson, Esq. (NV Bar No 7787)
23 Kyle O. Stephens, Esq. (NV Bar No. 7928)
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LR 9021 Certification

In accordance with LR 9021, counsel submitting this document certifies as follows (check one):

___ The court has waived the requirement of approval under LR 9021.

X No parties appeared or filed written objections, and there is no trustee appointed in the case.

___ I have delivered a copy of this proposed order to all counsel who appeared at the hearing, any unrepresented parties who appeared at the hearing, and any trustee appointed in this case, and each has approved or disapproved the order, or failed to respond, as indicated below.

Submitted by:

DATED this ___ day of October, 2009.

By: /s/ Zachariah Larson

LARSON & STEPHENS

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Kyle O. Stephens, Esq. (NV Bar No. 7928)

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